



The West Bengal National University of Juridical Sciences

MINUTES OF THE 67th MEETING OF THE

EXECUTIVE COUNCIL

Held on 29th JUNE 2019 AT 02.00 P.M.

The West Bengal National University of Juridical Sciences

Minutes of the 67th Meeting of the Executive Council of WBNUJS held on 29th June 2019.

Sl. No	Agenda Item	Resolution	Remarks
1.	Minutes of the 66 th Meeting of the Executive Council held on 11 th of May 2019	Minutes of the 66 th Meeting of the Executive Council held on 11 th of May 2019 was placed for kind perusal and confirmation. <u>Resolution</u> Confirmed.	
2.	Reporting on the letter from the Hon'ble Chancellor's Office relating to selection/appointment of the new Vice Chancellor: Terms of Contract, Perks and Emoluments	On 12/05/18, the 61 st Meeting of the Executive Council (EC) initiated the search/ selection process for a permanent Vice Chancellor, WBNUJS. The 62 nd Meeting of the Executive Council held on 29/09/18, reconstituted the Search Committee to have the Honourable Chancellor's nominee as the Chairperson; the Chief Justice of Calcutta High Court as the Executive Council nominee; and the Ld. Advocate General, West Bengal as the General Council (GC) nominee. Under the directions of the Executive Council, advertisements for the post of Vice Chancellor, WBNUJS were published in leading national and state newspapers in English and Bengali	

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	<p>and also uploaded on the university website on 30/10/18 with a one month deadline for receiving applications.</p> <p>The search committee comprising of Justice Arun Mishra, Judge, Supreme Court of India (Chancellor's nominee and Chair); Justice Biswanath Somnath, the then Acting Chief Justice, Calcutta High Court (EC nominee); and Mr Kishore Dutta, Ld. Advocate General, West Bengal (GC nominee), shortlisted the following three candidates in order of merit among the twenty-one who had applied.</p> <ol style="list-style-type: none">1. Prof Nirmal Kanti Chakrabarti, Director, School of Law, KIIT University, Bhubaneswar, Odisha2. Prof VC Vivekanandan, Dean, School of Law, Bennett University, Noida, Uttar Pradesh3. Prof SD Sharma, School of Law, BBAU University, Lucknow, Uttar Pradesh <p>The 66th EC dated 11/05/19 approved the shortlisted candidates (in order of merit) and communicated the same to the Chancellor, WBNUJS.</p>	
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Registrar (Acting), WBNUJS received a letter from the office of the Honourable Chancellor dated 25/05/19 recommending Prof. (Dr.) Nirmal Kanti Chakraborty, Director, School of Law, KIIT University, Bhubaneswar, Odisha, as the new, permanent Vice Chancellor for WBNUJS.

The letter from the office of the Honourable Chancellor and historical records of terms and conditions of appointment, perks and emoluments of previous Vice Chancellors will be placed on table before the EC for kind perusal and necessary action.

Resolution

It is resolved that in view of the letter of Hon'ble Chancellor, Prof Nirmal Kanti Chakrabarti, Director, School of Law, KIIT University, Bhubaneswar, Odisha is hereby appointed as the Vice Chancellor of this University for the period of five years from the date he assumes office. The outgoing Vice Chancellor (Acting) is authorized to issue the appointment letter to Prof. Nirmal Kanti Chakrabarti providing him 15 days time from the date of receipt of the appointment letter to join the post as per usual terms and conditions in conformity with the relevant Acts and rules. The appointment letter be issued on the next working day.

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		<p>On the joining of the new Vice Chancellor Justice Amit Talukdar shall handover charge to the new Vice Chancellor and shall stand relieved from his duties.</p> <p>The Executive Council members records deep appreciation for the support and services rendered by Hon'ble Justice Amit Talukdar as Acting Vice Chancellor.</p>	
3.	Reporting on the appointment of the Scrutiny Committee on Registrar and Accounts Officer	<p>On 12/05/18, the 61st EC resolved to initiate the process of appointing permanent Registrar and Accounts Officer, WBNUJS. The 63rd EC on 22/12/18 constituted a Selection Committee comprising of Justice (Retd) Amit Talukdar, A VC (Acting), WBNUJS (Chair); Prof Sonali Chakravarti Banerjee, VC, University of Calcutta; and Prof Sadhan Chakrabarti, VC, Kazi Nazrul University, West Bengal.</p> <p>Following the advice of the Selection Committee, the 65th EC on 16/03/19 directed fresh advertisements, which were published in leading national and state newspapers in English and Bengali and also uploaded on the university website on 03/04/19 with a one-month submission deadline.</p> <p>A Report on the proceedings of Scrutiny Committee</p>	

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		<p>will be placed on the table by the VC (Acting), WBNUJS</p> <p><u>Resolution</u></p> <p>Noting the development in the appointment for the post of Registrar and Accounts Officer, it is resolved that interview of the eligible candidates be conducted within one month of the joining of Prof. Nirmal Kanti Chakrabarti, the new Vice Chancellor and the development be reported to Executive Council.</p>	
4.	<p>Reporting on the matter of Mr Siddhartha Guha (suspended on charges of Sexual Harassment), previously Assistant Registrar (Administration), WBNUJS and his reply to the show cause issued under the directions of the 66th EC held on</p>	<p>On 11/06/13, the university received a written complaint from a female staff member alleging repeated instances of sexual harassment by the then Assistant Registrar (Administration), Mr Siddhartha Guha.</p> <p>The university sent Mr Guha on a leave for 15 days w.e.f 13/06/13. On 19/06/13, the then Registrar, Dr Surajit C Mukhopadhyay forwarded the complaint to the then ICC Chairperson, Ms Ruchira Goswami, Assistant Professor (Sociology), WBNUJS, for necessary action.</p> <p>On 26/07/13, the complainant lodged an FIR against Mr Guha in the Bidhannagar (South) PS. Due to continuous non-cooperation and evasion, the university suspended Mr Guha from service on</p>	

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11/05/2019	<p>10/08/13 pending submission of the final ICC Report and since then he has was put on subsistence pay.</p> <p>It may also be noted that the university effected several changes in the composition of the ICC between 01/05/13 and 27/09/13.</p> <p>An internal committee comprising of the then VC, Prof Ishwara P Bhat; Dr R Parameswaran; and Mr N Konar, advised the university to scale up the subsistence pay from time-to-time (from initial 50%, to 75% and finally 100%). Based on the advice of the then VC, Prof Bhat, the EC agreed to each of these hikes. The EC had also left it to the then VC to initiate appropriate disciplinary action against Mr Guha after the ICC submitted its final report on 18/02/14. Prof Bhat recommended that Mr Guha remain suspended and on subsistence pay till the conclusion of criminal litigation slapped against him by the complainant.</p> <p>The 65th EC on 16/03/19 took serious note of the issue and directed the Registrar (Acting) to demand non-engagement certifications from Mr Guha and also explore disciplinary proceedings against him as per relevant rules. The correspondence between the Registrar (Acting) and Mr Guha was placed as</p>	
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Annexure.

The university also sought legal opinion from Mr Soumya Majumder, Advocate, Calcutta High Court. Related correspondence and legal opinion was mentioned in Annexure.

The 66th EC on 11/05/19 found that the ICC Report dated 18/02/14 had proved that Mr Guha was guilty of having committed sexual harassment. The EC indicated a prima facie preference to terminate his services. Under directions from the EC, the Registrar (Acting) sent a show cause notice along with a copy of the ICC Report to Mr Guha demanding an explanation on why his services should not be terminated. Mr Guha was given four weeks to respond.

On 10/06/19, Ms Vaneeta Patnaik, Assistant Professor (Law), WBNUJS, hand-delivered the response of Mr Siddhartha Guha to the aforementioned show cause notice. It was received by Ms Soma Karmakar, PA to the Registrar (Acting).

Despite the lack of a policy on subsistence allowance, approximately Rs 48 lakhs has been paid to Mr Guha

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by the university without requisite non-engagement certifications since August 2013.

Submitted for further directions.

Resolution

Mr. Siddhartha Guha was issued a showcause notice on 13th May, 2019 asking him to showcause as to why his services be not terminated.

He has replied on 7th June, 2019 raising certain issues which are dealt with herein below:

- A) Incomplete annexure – It is alleged that page 5 of the ICC report was not enclosed alongwith the showcause notice.

He has admitted receipt of the original ICC report sent by the University on 11th June, 2014 (received on 13/06/2014). Hence, non furnishing of page 5 does not cause prejudice to Mr. Siddhartha Guha.

- B) Incomplete E.C. resolution – He has alleged that the entire resolution of the 66th E.C. meeting held on 11th May, 2019 has not been provided to him.

He has not denied that the relevant portion of the E.C. minutes concerning his case has been supplied to him. The other parts of the meeting are not related to him. Hence, there was no necessity to supply the other portion of the minutes of the E.C. meeting. It cannot be alleged that Mr. Siddhartha Guha was supplied incomplete E.C. resolution.

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C) Appeal pending - Mr. Siddhartha Guha alleged that his appeal to the then Vice Chancellor on 14th June, 2014 is pending.

Appeal is a vested right. Unless the relevant statutes/rules provide for preferring an appeal, there is no right of appeal. Section 18 of the Sexual Harassment of Women At Workplace (Prevention, Prohibition and Redressal) Act, 2013 prescribes appeal to the Court or Tribunal in accordance with the Service Rules. In NUJS no Service Rule exists. No other mode of appeal is also prescribed under Section 18 of the Act. Hence, there is no right of appeal.

Apart from that no appeal has been found in the records of the University though he has claimed to have filed an appeal. Thus it is apparent that he has not filed an appeal.

However, the Committee has considered the copy of the purported appeal forwarded along with the reply of his showcause notice and have found no grounds to entertain the appeal on merits. Besides the same is not maintainable.

D) No material change in situation –

The matter has been kept pending since long without consideration by the E.C. The report of the ICC is valid and enforceable. There is no challenge to such ICC report before any court of law and the members are satisfied that necessary steps should be taken on the basis of such report.

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		<p>E) <u>Denial of promotion and increments</u> –</p> <p>Mr. Guha was under suspension since 10/08/2013 and has received the subsistence allowance every month. During the period of suspension he is not entitled to either promotion or increment. Furthermore he has received full salary as subsistence allowance from 24/02/2015 till date in the absence of rules during the period of his suspension. He was not entitled to promotion or increments during the period of suspension.</p> <p>F) The other points raised in the reply to the showcause notice have no connection with the ICC report and the enforceability thereof and are not considered relevant for the purpose.</p> <p>Considering the gravity of the charges levelled against Mr. Guha and the findings in the ICC report, the reply to the showcause notice of Mr. Guha is found unmeritorious and the same is rejected.</p> <p>Accordingly, the Registrar (Acting) is authorized to issue the termination letter to Mr. Guha forthwith.</p>	
5	Petition from Student Juridical Association (SJA) regarding Guest Faculty for	<p>The Faculty shortage at WBNUJS has led to very few elective courses being offered to BA. LLB (Hons) students. Many in the faculty are over-burdened and some others have declined to take on additional load. The SJA has proposed that University should consider short-term contractual hires, including interested alumni, to tide over the present crisis.</p> <p>This issue was also discussed in the FAC on</p>	

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	the Monsoon Semester 2019.	<p>20/06/2019.</p> <p>Relevant FAC Minutes are placed as annexures.</p> <p>The matter was submitted for directions.</p> <p><u>Resolution</u></p> <p>Considering the requirement of Guest Faculty for the Monsoon Semester, 2019 the E.C. resolves to allow appointment of three guest lecturers as per UGC norms. The appointments shall be made after compliance with all formalities within seven days of the joining of the new Vice Chancellor. The Registrar (Acting) shall issue appropriate advertisements forthwith.</p>	
6	Implementation of domicile quota as mandated under WBNUJS Amendment Act 2018 which was notified on 21 st of May, 2019	<p>The Government of West Bengal enacted the WBNUJS Amendment Act on 20/11/18. On receiving the assent of Governor of West Bengal, the Act was notified on 21/05/19.</p> <p>The Registrar (Acting) received a copy of the gazetted notification from the Judicial Department, Government of West Bengal on 18/06/19.</p> <p>Submitted for further directions.</p> <p><u>Resolution</u></p> <p>Seen.</p>	
7	Report of the Inquiry Committee set up by the Academic Council to	<p>On 10/05/18, the 32nd Academic Council (AC) in response to a request from the 60th EC on 07/04/18 discussed the issue relating to former BA LLB (Hons) student, Ms Sreyoshi Ray. She had authorised the then</p>	

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	look into the delay in the declaration of result and handing over degree certificate with the correct year of graduation to former BALLB (Hons) student, Ms Sreyoshi Ray and fix responsibility	<p>SJA President, Mr Arjun Agarwal to present her case before the AC. In response to the submissions made by Mr Agarwal on behalf of Ms Ray, the 32nd AC formed an Inquiry Committee comprising of Prof Poonam Saxena, VC, NLU Jodhpur and Prof A Lakshminath, former VC, CNLU Patna. Owing to their repeated unavailability, the 33rd AC on 30/11/18 requested Prof Saikat Maitra, VC, MAKAUT, West Bengal to conduct the inquiry. The Inquiry Report was previously placed before the 35th AC on 10/05/19, which referred the Report to the EC for appropriate action.</p> <p>Inquiry Report was placed as Annexure.</p> <p><u>Resolution</u></p> <p>Noted the report of Prof. Saikat Maitra dated 12/03/2019 who has rendered a finding that the Assistant Registrar (Academics) and Faculty Member Ms. Ruchira Goswami are prima facie liable on the delay and error in conferring the correct degree to Ms. Shreyoshi Ray.</p> <p>The Vice Chancellor is authorized to take appropriate action in the matter at the earliest.</p>	
8	Reporting on the two letters dated 24/05/2019 forwarded to the Vice	The office of the Honourable Chancellor forwarded two letters dated 24/05/19 which was received by Vice Chancellor (Acting), WBNUJS. The letters contain allegations against certain faculty members placed as annexure.	

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	Chancellor (Acting), WBNUJS from the office of the Honourable Chancellor	Submitted for kind perusal and action. <u>Resolution</u> The matter is deferred till the next meeting.	
9	Reporting of the Committee concerning anomalies in 2017 faculty recruitment	On 29/09/18, the 62 nd EC having discussed complaint letters from Late Ms Neha Chowdhury and Dr Shuvro Prosun Sarker wherein they alleged gross anomalies in the 2017 faculty recruitment, directed the relevant Inquiry Committee to look into the complaints. In its 63 rd meeting on 22/12/18, the EC directed the concerned Committee to inquire objectively and place a Report in the next EC meeting. Report on the proceedings of the Committee will be placed on the table by the VC (Acting), WBNUJS Submitted for information and further directions. <u>Resolution</u> The matter is deferred till the next meeting.	
10	Update on the litigations in the Calcutta and Delhi High Courts relating to distance/onli ne education	WBNUJS is currently facing several litigations in the Calcutta and Delhi High Courts. Communication from the enlisted advocates were placed as Annexure and a report on the progress of the litigations was also placed as Annexure. The matter was submitted for information and further	

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	<p>courses previously run by WBNUJS in collaboration with private parties</p>	<p>directions.</p> <p><u>Resolution</u></p> <p>The order dated 26/06/2019 of the Hon'ble High Court has been placed before the Committee.</p> <p>In respect of the online courses of Diploma and Certificate courses regulated by the School of Distance & Mass Education, the University retains 30% of the admission fees whereas I-Pleader (private party) retains 70% thereof. It is resolved that the University would refund 30% of such admission fees to the respective students.</p> <p>In respect of the online courses of Masters in Business Law (MABL) the sharing is 60% for I-Pleader (private party) and 40% for the University. It is resolved that the University would refund 40% of the admission fees to the students.</p> <p>In respect of some students the University is holding 100% of the admission fees at present due to the dispute arisen. It is resolved that the University is ready to refund its share and await further direction from the court of law in respect of the 60/70% as applicable towards the fees of I-Pleaders.</p>	
11	<p>Status of the inquiry and fact-finding committees set up by the EC</p>	<p>Status Report on the proceedings of the following committees will be placed on the table by the VC (Acting), WBNUJS.</p> <ol style="list-style-type: none"> 1. Inquiry Committee against former VC, Prof Ishwara P Bhat concerning allegations of maladministration. 2. Fact-finding Committee concerning grievances 	

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		<p>listed by the SJA in its petition to the 61st EC on 12/05/18.</p> <p>3. Inquiry Committee to look into the functioning of research centres; externally funded projects; distance/online education courses; and conflict of interest allegation relating to Effulgent Educators LLP.</p> <p>Submitted for information and further directions.</p> <p><u>Resolution</u></p> <p>The matter is deferred till the next meeting.</p>	
12	<p>Renewal of Mr. Kumarjit Ray, adhoc Assistant Prof (Law) and a reference from Academic Council concerning his inability to offer compulsory clinical education course to BA LLB (Hons) students as</p>	<p>Mr Kumarjit Ray has prayed for renewal of his contract and enhanced pay and arrears under 7th CPC.</p> <p>Mr Ray has been an ad hoc Assistant Professor (Law) on a yearly contract since 01/07/16. He was appointed to fill in for another Assistant Professor (Law) who had then been moved to the Centre for Child Rights (CCR), WBNUJS by the then VC, Prof Ishwara P Bhat. CCR is currently under an EC-instituted inquiry and non-operational since May 2018.</p> <p>The EC-instituted Inquiry Committee against former VC, Prof Ishwara P Bhat and the Fact-Finding committee have also received representations that allege Mr Ray's recruitment suffers from various irregularities.</p> <p>Mr Ray is presently drawing Rs 67,784/- under 6th</p>	

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	well as his application for leave submitted to Registrar (Acting) from University to start taking classes from 1 st July 2019	<p>CPC and his contract ends on 30/06/19.</p> <p>A detailed Note concerning his recruitment and pay enhancement under 7th CPC was submitted.</p> <p>Mr Kumarjit Ray has also declined to teach the compulsory Clinic I paper to BA LLB (Hons) students. He also raised his prayer for contract renewal and pay enhancement under 7th CPC before the Academic Council (AC).</p> <p>On the issue of pay enhancement, the AC has referred the matter to EC; and on the matter relating to Mr Ray's disinclination to teach the compulsory Clinic I paper, the AC rejected his plea while referring the issue to EC for further action.</p> <p>Submitted for further directions.</p> <p><u>Resolution</u></p> <p>In the changed circumstances, since Mr. Kumarjit Ray has resigned, his prayer for renewal of his contract needs no consideration. His resignation is accepted.</p>	
13	Report of the internal committee that studied the feasibility of faculty recruitments	The 65 th EC on 16/03/19 constituted a committee comprising of the VC (Acting), WBNUJS; Registrar (Acting); and Prof AK Poddar to study the feasibility of faculty recruitment at various levels taking into consideration prevailing UGC rules; URC Report recommendations; teacher-student ratio etc.	

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	as suggested by the URC Report	<p>Report of the committee was placed before the EC for further directions.</p> <p><u>Resolution</u></p> <p>The matter is deferred till the next meeting.</p>	
14	Discussion of the URC Report	<p>It was resolved by the 60th EC on 07/04/2018 that an EC meeting will need to be specifically convened for discussing the URC Report.</p> <p>The matter was submitted for further directions.</p> <p><u>Resolution</u></p> <p>The matter is deferred till the next meeting.</p>	
15	NAAC Issue and minutes of the relevant faculty meeting	<p>The lack of NAAC accreditation inhibits the university's access to several sources of funding from central grants. Following a faculty meeting on 12/12/18, yet another internal committee was constituted by the Registrar (Acting) to initiate the NAAC accreditation process.</p> <p>The VC (Acting) received representations from Prof AK Poddar and Dr Lovely Dasgupta, Assistant Professor which evoked objections from the Registrar (Acting), Ms Sikha Sen on the issue of nominating certain faculty members to the aforesaid committee.</p> <p>Relevant minutes of the faculty meeting was placed as Annexure.</p> <p>The VC (Acting) preferred the matter to be placed before the Executive Council for directions.</p>	

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		<p><u>Resolution</u></p> <p>The matter is deferred till the next meeting.</p>	
16	<p>Seniority issue raised by Ms. Vaneeta Patnaik, Assistant Professor (Law), WBNUJS</p>	<p>In a letter dated 25/07/18, Ms Vaneeta Patnaik wrote to the VC (Acting) seeking clarity on the issue of seniority concerning Professors at WBNUJS. This issue was discussed in the 33rd Academic Council on 30/11/18, which referred the matter to the Executive Council for further action.</p> <p>The matter was submitted for further directions.</p> <p><u>Resolution</u></p> <p>The matter is deferred till the next meeting.</p>	
17	<p>Hiring of the University auditorium and conference halls</p>	<p>On a case-by-case basis, the university, with the permission of VC/Registrar, has historically let out its auditorium and conference halls to neighbouring educational institutions, government bodies such as NHRC, WBSHRC etc.</p> <p>Since the university did not have an overarching policy, the matter was referred by the 107th Finance Committee (FC) dated 08/12/19 to the EC.</p> <p>The 63rd EC on 22/12/18 while deferring the matter, requested the Advocate General, West Bengal (also a member of the FC) to offer suggestions.</p> <p>The matter was submitted for directions.</p> <p><u>Resolution</u></p> <p>The matter is deferred till the next meeting.</p>	

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18	Prayer of Mr. Premananda Mukherjee, Library Assistant	<p>Mr Premanada Mukherjee has prayed for his promotion or appointment the post of Assistant Librarian as one of the two sanctioned post is presently vacant.</p> <p>The university does not have any promotion scheme/structure for administrative staff, including those serving in the library.</p> <p>Submitted for further directions.</p> <p><u>Resolution</u></p> <p>The matter is deferred till the next meeting.</p>	
19	Prayer of Dr Anupama Ghosal, Assistant Professor (Political Science) concerning arrear claims for the period 07.01.05 to 30.08.08	<p>Dr Anupama Ghosal has prayed that the while the university under the directions of the erstwhile Standing Committee (and ratified by the EC) acknowledged her past service and reset the basic pay to the appropriate scale, it however failed to release arrear payments due to her.</p> <p>The matter was submitted for further directions.</p> <p><u>Resolution</u></p> <p>The matter is deferred till the next meeting.</p>	
20	Ford Chair - Renewal of Research Assistant	<p>The Ford Chair endowment funds the honorarium of the Ford Chair Professor. The 31st EC on 20/02/10 while enhancing the honorarium of the Ford Chair Professor resolved that the salary of the Research</p>	

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	<p>Assistant of Ford Chair will be paid directly from university funds.</p> <p>Mr Suman Saha was appointed Research Assistant of Ford Chair on 07/02/18 on a yearlong contract. The 109th FC on 14/02/19 directed the university to clear the salary arrears due to Mr Saha since June 2018.</p> <p>Since the tenure of Mr Suman Saha has ended, the issue of his contract renewal was placed before the EC for further directions.</p> <p><u>Resolution</u></p> <p>The matter is deferred till the next meeting.</p>	
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